

KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY

NOTIFICATION

No. KVASU/GA.-D/1894/2011.

28th June 2016.

In exercise of the powers conferred by sub-section (1) of section 50 and sub-section (3) of section 52 of the Kerala Veterinary and Animal Sciences University Act, 2010 (Act 3 of 2011), the Management Council hereby make the following Statutes further to amend the Kerala Veterinary and Animal Sciences University First Statutes, 2014, namely:—

STATUTES

1. *Short title and commencement.*—(1) These Statutes may be called the Kerala Veterinary and Animal Sciences University (First Amendment) Statutes, 2015.

(2) They shall come into force at once.

2. *Amendment of the Statutes.*—In the Kerala Veterinary and Animal Sciences University First Statutes, 2014,—

(1) for Chapters XXIV and XXV the following Chapter shall be substituted, namely:—

“CHAPTER XXIV

ELECTIONS

PART A

General

402. *Definition.*—In this chapter, unless the context otherwise requires,—

(1) “Assistant Returning Officer” means an officer appointed by the Vice-Chancellor to assist the Returning Officer for the conduct of the election:

(2) “*ballot box*” includes any box, cover, bag or other receptacle used for insertion of ballot paper by voters;

(3) “*candidate*” means a person qualified to seek election, who has been duly nominated in accordance with these Statutes;

(4) “*continuing candidates*” means a candidate not elected or not excluded from the poll at any given time;

(5) “*election agent*” means a representative of a candidate appointed by him in writing and approved by the Returning Officer to look after the general affairs of the candidate’s election prospects and he is at liberty to be present at any polling station or counting table;

(6) “*elector*” means a person who is qualified to vote at the election;

(7) “*exhausted paper*”, means a ballot paper on which no further preference is recorded for a continuing candidate, provided that a paper shall also be deemed to be exhausted in any case in which,—

(i) the names of two or more candidates, whether continuing or not, are marked with the same figure and are next in earlier preference;

(ii) the names of the candidate next in order of preference whether continuing or not, is marked by a figure not following consecutively after some other figure on the ballot paper or by two or more figures;

(8) “*first preference*” means the figure ‘1’ set opposite to the name of any candidate, “*Second preference*” means the figure ‘2’ “*Third preference*” means the figure ‘3’ and so on;

(9) “*original votes*” in regard to any candidate means the votes derived from ballot papers on which a first preference is recorded for such candidates;

(10) “*polling agent*” means a representative of a candidate appointed by him in writing and approved by the Returning Officer to be present at the polling station.

(11) “*polling officer*” means an officer appointed by the Returning Officer to assist the Presiding Officer in conducting the election at a polling station;

(12) “*Polling Station*” means the place fixed for conducting the poll at the election;

(13) “*Presiding Officer*” means an officer appointed by the Returning Officer to assist him in the conduct of election and will be responsible for the proper conduct of the election at a polling station;

(14) “*Returning Officer*” means the officer actually responsible for the conduct of all elections to the various Authorities of the University;

(15) “*section*” means section of the Act;

(16) “*surplus*” means the number by which the votes of any candidates, original and transferred exceed the quota as defined in Statute 450K of this chapter;

(17) “*transferred vote*” in regard to any candidate means a vote credited to such candidate and which is derived from a ballot paper on which a second or subsequent preference is recorded for such candidate;

(18) “*unexhausted paper*” means a ballot paper on which a further preference is recorded for a continuing candidate;

403. *Procedure for the conduct of election.*—(1) All elections shall, save as otherwise provided in this Chapter, be held by postal ballot and in accordance with the provisions of Part B of this Chapter.

(2) The election of members to the Management Council under items (vi), (vii) and (viii) under the heading “Board of Management” in sub-section (1) of section 24 of the Act and items (v) & (vi) under the heading “Other Members” in sub-section (2) of section 27, item (iv) of sub-section (1) of section 30 and item (vi) of sub-section (1) of section 31 of the Act shall be held otherwise than by postal ballot and in accordance with the provisions of the Statutes in Part C of this Chapter:

403 A. *Vice-Chancellor responsible for conduct of election.*—(1) Subject to the other provisions of this Chapter, the Vice-Chancellor shall be responsible for the conduct of all elections held by the University and shall have power,—

- (a) to fix the time, date and place of election;
- (b) to prescribe the form of notice, nomination, letter of intimation, declaration paper, ballot paper, cover and envelope for any election, the form of any other record to be prepared or maintained in relation to an election and the instructions to be contained in the notification;
- (c) to decide, in case of doubt, the validity or invalidity of each ballot paper or of each vote recorded thereon;
- (d) to declare the result of each election; and
- (e) to fix:
 - (i) the date of notification;
 - (ii) the last date for receipt of nominations;
 - (iii) the date of scrutiny of nominations and publication of list of candidates validly nominated;
 - (iv) the last date and hour of withdrawal of candidature;
 - (v) the date of publication of the final list;
 - (vi) the date of issue of ballot paper;
 - (vii) the date and hour of poll; and
 - (viii) the date and hour of scrutiny and counting of votes;

(2) It shall be competent for the Vice-Chancellor when any emergency arises,—

- (a) to assume the power of the Returning Officer and function as such either by himself or by deputing any other persons when in the course of the conduct of any election the Returning Officer cannot carry on his duties; or
- (b) to postpone the date or dates fixed in the programme for transaction of business connected with the elections at any intermediate stage. The Vice-Chancellor shall record his reasons for so doing:

404. *Decision of the Vice-Chancellor.*—(1) Unless otherwise, specifically provided, the decision of the Vice-Chancellor on any question relating to election shall be final.

(2) If any question arises as to whether any person has been duly elected or is entitled to be a member of any authority or body of the University, the Vice Chancellor shall refer it to the Chancellor, whose decision thereon shall be final.

405. *Returning Officer and his general duties.*— (1) The Registrar or any other person appointed by the Vice-Chancellor shall be the Returning Officer for elections held by the University.

(2) It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by the Statutes.

(3) The Returning Officer may, for sufficient cause with the previous consent of the Vice-Chancellor, postpone the date or dates fixed in the programme for publication of final list of valid nominations, for dispatch of ballot papers for all or for scrutiny and counting of votes, when at any intermediate stage of an election any objection to any question is raised which necessitate the postponement of the programme.

406. *Assistant Returning Officer.*—(1) Returning Officer may appoint one or more Assistant Returning Officers to assist him in the performance of his functions;

(2) Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer:

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the counting of postal ballot and announcement of the result of election, unless the Returning Officer is unavoidably prevented from performing the said functions.

(3) Reference in this chapter to the Returning Officer shall unless the context otherwise requires be deemed to include an Assistant Returning Officer performing any of the functions under clause (2).

407. *Election in anticipation of vacancies.*—The Vice-Chancellor shall have the power to direct the holding of elections in anticipation of vacancies that are about to occur by afflux of time, usually six months.

408. *Election not invalid by reason of vacancies in electorate.*—(1) No election to an Authority of the University shall be invalid by reason of any vacancy among the persons entitled to vote at such election or on account of the non receipt or loss during transmission of any notice, ballot paper or any other paper connected with the election.

(2) No act or proceeding of any Authority or any other Body, of the University shall be invalid merely because of the invalidity of the election of any of the members.

409. *Disqualification for membership or for continuing as a member of the Authorities of the University.*—No person shall be qualified to seek election for any of the Authorities of the University or continue as a member of any such Authority if he is subject to any of the disqualifications mentioned in the Act subject to the exceptions mentioned therein.

410. *Maintenance of electoral rolls.*—The Returning Officer shall maintain an electoral roll, for each electoral body entitled to elect members at any election conducted, showing the names and addresses of all persons.

411. *Publication of electoral roll.*—The electoral rolls shall be published in the University Office or in the Office of the Returning Officer, not less than 30 clear days before the date of notifications for the election in a newspaper in English and in a newspaper in the regional language approved by the Vice-Chancellor or the Returning Officer, as the case may, for the purpose.

412. *Eligibility to take part in elections.*—The names of persons who are on the electoral body 60 days before the date of publication of the electoral roll alone shall be included in the electoral roll, and such persons alone shall be entitled to participate in the election:

Provided that any person who ceases to be a member of an electoral body before the date of issue of the ballot paper shall not be entitled to participate in the election:

Provided further that when a person is transferred from one college or other, within the University area, he shall be permitted to vote at the new college after getting a declaration from the Dean of the old college to the effect that he has not exercised his franchise in the college where his name is included in the roll.

413. *Corrections, alterations, etc., in electoral roll.*—It shall be competent for the Returning Officer to make any addition, correction, alteration or deletion in any electoral roll, provided that the fact necessitating such correction or alteration or deletion is brought to his notice within 15 days after the publication of the electoral roll and that he is satisfied that such correction or alteration or deletion is necessary.

414. *Prices of copies of electoral roll.*—Copies of the electoral roll or part thereof shall be made available to the electors on request and on payment of the price to be fixed for the roll or part thereof, by the Vice-Chancellor or the Returning Officer, as the case may be.

415. *Electoral roll of students.*—Electoral roll of the students of the post graduate courses, graduate courses, research courses, diploma courses and certificate courses of the University shall be prepared department-wise. The electoral roll shall include the names of the students appearing in the registers of the respective colleges or institutions with the details of the class, course and the college or the department concerned but shall not include part-time students.

416. *Electoral roll of Teachers other than Deans.*—Electoral roll of Teachers other than Deans shall include the following, namely:—

- (i) names and official addresses of the teachers of the constituent colleges whose appointments have been approved by the University.
- (ii) the names and official addresses of the Teachers of the departments of the University.

417. *Electoral roll of non-teaching staff.*—Electoral roll of non-teaching staff of the University shall contain the names and designations of all the regular full time employees of the University other than teaching staff but shall not include those paid from contingencies or employed on a part-time basis.

418. *Electoral roll of permanent Labourers of the University.*—The electoral roll of the permanent labourers of the University shall contain the names and official addresses of permanent labourers approved by the University.

419. *Electoral roll of the other electorates.*—Separate electoral rolls showing the names and addresses of the members shall be prepared for all other elections as and when required and it shall contain the names of only those who are members of the electorate concerned, 60 days prior to the publication of the respective electoral rolls.

420. *Preservation of election papers.*—The nomination papers, ballot papers and declaration papers shall be preserved in the University Office or in the office of the Returning Officer, as the case may be for a period of six month after the date of declaration of the results, or if any dispute arises regarding the election, until it is disposed of. Thereafter, they may be destroyed.

421. *Prohibition of simultaneous membership.*—A person who has given his nomination for election to a body or authority through more than one electorate who has been declared elected by more than one such electorate of the same body or authority shall retain membership of only of the electorates which he may choose within fifteen days of declaration of the result of election. If he fails to do so he shall be deemed to be a member of only the electorate, the result of which election has been declared first.

422. *Candidature of a person already elected to a body for election to the same body from another electorate.*—No person who has been elected from a particular electorate shall be eligible to stand as a candidate for election to the same body or authority from more than one of the electorates without resigning membership from the body or authority, as the case may be. It shall, however competent in the case of an anticipatory vacancy to a body or authority elected by a particular electorate or nominated to stand as a candidate for such anticipatory vacancy, provided the date of membership in that vacancy is posterior to the date on which he ceases to be member of the body or the authority.

423. *Objections.*—Objections to election shall be made in writing and shall be forwarded to Registrar along with fee of Five Hundred Rupees for considering the objections so as to reach him within seven days after the declaration of the results of the election.

424. *Date of effect of result of elections.*—The results of all elections shall be published in the Gazette. Anticipatory elections shall take effect from the date of occurrence of the vacancy, and other elections from the date of notification of the result of election:

Provided those who are elected or nominated shall hold office for the term fixed as per the provisions of the Act from the date of notification of constitution of the body/bodies by the University.

425. *Election disputes.*—An election petition calling in question any election shall be made in writing. It shall be forwarded to the Vice-Chancellor with the prescribed fee remitted to the credit of the Kerala Veterinary and Animal Sciences University Fund so as to reach him within seven days of the declaration of the results of the election. The fees in this regard shall be decided by the Board of Management, from time to time.

PART B

Procedure for Election by Postal Ballot

426. *Notification of elections.*—When any vacancy occurs or is about to occur by efflux of time among the members of any Authority or Body of the University which has to be filled up by election, or if an election has to be conducted for the constitution of any Body, Authority, or any Committee thereof according to the provisions of the laws of the University, the Returning Officer shall notify the fact in the Gazette and also simultaneously cause the notifications to be published in newspapers. The notifications shall contain the programme of the election from the date of notification of election, giving the following particulars:—

- (a) date of notification
- (b) last date for receipt of nominations
- (c) date of scrutiny of nomination and publication of list of candidates validly nominated

- (d) last date and hour for withdrawal of candidates
- (e) date of publication of the final list of candidates
- (f) date of issue of ballot paper
- (g) date and hour fixed for the poll
- (h) date and hour of scrutiny and counting of votes.

427. *Presentation of nomination paper and requirements of a valid nomination.*—(1) On or before the date appointed under Statute 426 each candidate shall either in person or by his proposer, deliver between the hours of eleven O'clock forenoon' and three O'clock in the afternoon' to the Returning Officer at the place specified in this behalf in the notification issued under Statute 426 a nomination paper in the prescribed form, which shall on application, be supplied free of cost by the Returning Officer to any elector whose name is in the electoral roll, provided that no nomination paper shall be delivered to the Returning Officer on a day which is a holiday.

(2) Every nomination paper shall be proposed by an elector with his signature whose name is in the electoral roll and seconded by another elector of the concerned constituency with his signature. The candidate shall then sign a declaration on it expressing his willingness to serve on the University Authority or Body as the case may be, if elected. He shall also make a statement to the effect that he is not already a member, if such Authority or Body or if he is already a member in such capacity, his term of office would expire before the membership for which he is seeking election, takes effect. The nomination paper shall reach the Returning Officer within the date and hour fixed, which shall not be earlier than 14 clear days after the date of publication of the notification in the newspapers.

428. *Scrutiny of nominations.*—All nomination papers received through the post or deposited in the box provided for the purpose in the office of the Returning Officer within the prescribed hour on the prescribed date shall be scrutinized by the Returning Officer. The candidate or his representative who shall be appointed in writing by him and approved by the Returning Officer may be present at the time of scrutiny of nominations.

429. *Decisions of the Returning Officer on objections.*—(1) The Returning Officer shall examine the nomination papers and decide all objections which may be made at the time to any nomination and may, either on such objection, or on his own motion, after such summary enquiry if any as he thinks necessary, reject any nomination, on any of the following grounds:—

- (i) that the candidate is ineligible for election under the provisions of the Act, subject to the exceptions mentioned therein; or
- (ii) that the proposer or seconder is a person whose name is not registered in the electoral roll; or
- (iii) that the signature of the candidate, proposer or seconder is not genuine or has been obtained by fraud; or
- (iv) that the nomination paper is incomplete or otherwise defective.

(2) The decision of the Returning Officer shall, in each case, be endorsed by him on the nomination paper in respect of which such decision is given.

430. *List of candidates validly nominated.*—A list of candidates whose nominations have been declared valid shall be published with their names and address by affixing the same on the notice board in the office of the Returning Officer on the same day. The names of the candidates in the list shall be in the serial order of their electoral roll numbers.

431. *Withdrawal of candidature.*—Any candidate may withdraw his candidature by notice in writing signed by him, and countersigned by the Dean of the College concerned in the case of students, and either sent by registered post or delivered in person or to the Returning Officer so as to be received by him not later than the hour on the day fixed for withdrawal which shall not be 5 clear days after the last date for the receipt of nominations and the withdrawal once made shall be final. A candidate who has withdrawn his nomination shall not be eligible for re-nomination as a candidate for the same election to the Authority or Body.

432. *Final list of candidates.*—Returning Officer shall after the expiry of the period fixed for withdrawal of candidature, publish in his Office the final list of candidates validly nominated. The final list of candidates validly nominated shall show the serial number, the name, the designations, if any, and the address of the candidates and shall be the list to be entered in ballot papers.

433. *Declaration of election of validly nominated candidates.*—If the number of candidates validly nominated and not withdrawn does not exceed the number of vacancies to be filled by election, such candidates shall be declared to have been duly elected. If the number of candidates validly nominated and not withdrawn is less than the number of vacancies to be filled by election, such candidates shall be declared to have been duly elected and the electorate shall be called upon to elect more persons, as the case may be, to fill the remaining vacancies. If the candidates validly nominated and not withdrawn exceeds the number of vacancies to be filled by election, then the Returning Officer shall proceed with the election in the manner prescribed hereinafter.

434. *Despatch of ballot paper.*—The Returning Officer shall forward to each elector, by registered post a serially numbered declaration paper, a ballot paper showing the names and addresses of all candidates in the same order as in the final list of candidates validly nominated and bearing the initials or facsimile signature of the Returning Officer, a ballot paper cover, and an envelope addressed to the Returning Officer and bearing a number corresponding to the serial number of the declaration paper, together with the letter of intimation stating the number of vacancies to be filled by election, the date and hour fixed for the poll and the date and hour fixed for the scrutiny and counting of votes, and such guidance to the voters for exercising their franchise as may be deemed necessary. The papers shall be forwarded to the address of each elector as given in the electoral roll of the constituency or, if any elector has since the publication of the roll, changed his address, to the address changed. Provided the fact has been intimated to the Returning Officer not less than 14 clear days before the date of posting of the ballot paper. The date fixed for the poll shall not be less than 14 clear days after the date of posting of the ballot paper.

435. *Non-receipt or loss of ballot paper by an elector.*—When any elector has not received or has lost the ballot paper sent to him, he may make and transmit a declaration to that effect signed by himself and request to the Returning Officer to send him duplicate papers in place of the ones not received or lost, and the Returning Officer, if satisfied as to the genuineness of the declaration, issue duplicate papers through registered post. In every case where duplicate papers are issued, the fact shall be noted against the number of the elector in the electoral roll for use at the time of scrutiny and counting of votes, and the word “Duplicate” in block capitals shall be written or stamped in ink on the declaration paper and the envelope addressed to the Returning Officer.

436. *Defective ballot papers, etc.*—If the elector receives any ballot papers, ballot paper cover or declaration form which is liable to be rejected for want of serial number, initial or facsimile signature of the Returning Officer or for any reason arising from a clerical error or omission in the office of the Returning Officer, the elector shall within two days of the receipt of the same but before the time fixed for the commencement of the election bring the matter to the notice of the Returning Officer who shall, if satisfied, issue by post fresh ballot paper or ballot paper cover or declaration paper, as the case may be, in its place. The fact that a fresh ballot paper, ballot paper cover or declaration has been issued shall be noted against the number of the electoral roll for use at the time of scrutiny and counting.

437. *Procedure when election papers are spoiled.*—When an elector has inadvertently spoiled the ballot paper or any other connected papers sent to him, he shall make a declaration to that effect signed by himself and transmit the same to the Returning Officer, together with the spoiled papers and the Returning Officer, on receipt of the spoiled papers, shall cancel them and issue through the post, fresh ones.

438. *Polling stations.*—In the case of elections held under the chapter, a polling station or more than a polling station shall be provided in the University headquarters, in every constituent college and Research Station and in such other institutions as the Returning Officer considers necessary.

439. *Notification of polling station.*—The notification shall, *inter alia*, contain information of the place or places where polling stations will be provided and the date on which and the time during which poll shall be taken. The electors shall excise voting in the respective polling stations.

440. *Polling agents.*—A candidate may appoint an election agent and not more than three polling agents with the approval of the Returning Officer, but there shall not be more than one polling agent for a particular polling station, for a particular candidate of any given time.

441. *Presiding Officers and Polling Officers.*—(1) The Returning Officer may appoint a presiding officer and such polling officer or officers for each polling station as he thinks necessary, but he shall not appoint any persons who had been employed by or on behalf of or has been otherwise working for a candidate in or about the election.

(2) If a polling officer absent from a polling station, the presiding officer may appoint any person who is present at the polling station who is not disqualified to be a polling officer under clause (1) during the absence of the former officer and inform the Returning Officer accordingly.

(3) A polling officer shall perform all or any of the functions of the Presiding Officer if so directed by the latter.

(4) If the Presiding Officer is absent owing to illness or other cost his function shall be performed by such polling officer as has been previously authorized by the Returning Officer to perform such functions.

442. *Duties of the Presiding Officer and Polling Officer.*—(1) It shall be the general duty of the Presiding Officer at a polling station to keep order there and to see that the poll is fairly taken.

(2) The Polling Officer shall assist the Presiding Officer in the performance of his functions.

443. *Arrangements in polling stations.*—(1) The Returning Officer shall provided each polling station sufficiently early the required number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, paper seals for securing ballot boxes, instruments for stamping the distinguishing mark on ballot papers and other articles necessary for the conduct of elections and for the electors to mark their vote.

(2) At each polling station there shall be separate voting compartment or a set of voting compartments screened from observation by others for marking the vote.

(3) Nothing precludes the Registrar from making arrangements to conduct election using Electronic Voting Machines.

444. *Prohibition or canvassing in or near Polling Station.*—No person shall, on the date on which poll is taken at any polling station, commit any of the following acts within the polling station or within a distance of one hundred meters of polling stations, namely:—

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) persuading any elector not to vote at the election; or
- (d) exhibiting any notice or sign for improving his or her prospects of election.

445. *Voting.*—(1) Voting shall be by secret ballot. No vote shall be given by proxy.

(2) the ballot box shall be placed in a convenient place with arrangements for exercising the franchise by the electors by depositing the ballot papers through a slit provided in the box.

(3) each voter has to produce a duly signed identity form which shall be prescribed by the Vice-Chancellor. Ballot papers shall not be issued to those who fail to produce this identity form.

(4) the Polling Officer shall ascertain,—

- (a) the identity of the voter before issue of the ballot paper; and
- (b) that the persons desiring to vote has not already exercised his franchise.

(5) At the time of issue of the ballot paper, a tick mark may be placed against the name of the elector in a copy of the electoral roll kept for the purpose and the elector shall also sign against his name in the roll.

(6) The name of the voter shall be entered in the serially numbered counterfoil and the ballot paper corresponding to that counterfoil shall be turnoff after affixing the initials of the Returning Officer thereon and handed over to the voter.

(7) The voter who has received the ballot paper shall then proceed to a place screened from observation by others for marking the vote, record his vote in the manner prescribed and then proceed to the place where the ballot box is placed and deposit the same in the ballot box. The ballot paper must be deposited in the box even if the voter does not desire to record his vote for any candidate. No ballot paper shall be taken away from the polling booth.

(8) No voter shall be allowed to enter the place arranged for marking the vote when another voter is there and no voter shall remain there longer than is necessary for recording his vote.

(9) If a voter is incapacitated by physical infirmity, it shall be competent for him to record his vote by the hand of the Returning Officer or by his deputy.

(10) The Presiding Officer shall seal the slit of the ballot box immediately after the hour appointed on the day fixed for the poll and hand it over to the Returning Officer the same day.

445 A. *Recording of Votes.*—An elector will have as many votes as there are vacancies. The voter may record his vote by placing clearly a mark opposite the name of the candidate or candidates to whom he wishes to give his vote or votes. The mark should be so placed as to indicate clearly and beyond doubt to which candidate he is giving his vote. If the mark is so placed as to make it doubtful to which candidate he has given his vote, the vote will be invalid. If a voter votes for more candidates than the number of vacancies, the ballot paper will be rejected.

446. *Recording of votes of disabled elector, etc.*—(1) If an elector is due to blindness or by reason of any physical or other disability to record his vote in the manner prescribed, it shall be competent for him to record his vote by the hand of any of the persons specified in clause (2) and such person shall on the declaration paper attest the incapacity and of his having been requested by the elector to record his vote on his behalf and of its having been so marked by him in the presence of the elector;

(2) The following persons are empowered to record vote under clause (1) namely:—

- (i) Judicial Magistrates;
- (ii) District Registrars;
- (iii) Sub-Registrars.

Provided that such person attesting the declaration paper about the incapacity of an elector shall not be a near relative of a candidate contesting the election.

447. *Closing of poll.*—At the close of the hour fixed for the poll when all who have reported before him for polling before the hour fixed for the poll have exercised their franchise, the Presiding Officer shall close the poll and shall not thereafter issue ballot papers to any elector.

448. *Sealing of ballot box and other packets after poll.*—(1) After the closing of the poll the presiding officer shall close the slit of the ballot box.

(2) The ballot box shall thereafter be sealed and secured in a cover.

(3) Where it becomes necessary to use more than one box the first ballot box shall be closed and sealed as provided in clause (1) and (2) above before another ballot box is put into use.

(4) The Presiding Officer shall then prepare a ballot paper account in the form supplied by the Returning Officer. He shall also make the following packets, namely:—

- (a) the ballot paper account;
- (b) the marked copy of the electoral roll;
- (c) the unused ballot papers;
- (d) the counterfoils of used ballot papers;
- (e) paper seal account; and;
- (f) any other papers directed by the Returning Officer to be kept in a sealed packet.

(5) All the above items shall be separately packed and affixed with the seal of the Presiding Officer. The polling agents, if they so desire, may be permitted to affix their seals thereon.

449. *Transmission of ballot papers, boxes, etc.*—(1) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes and other connected papers for safe custody until the commencement of counting of votes.

(2) The Presiding Officer shall deliver the ballot boxes, ballot paper account, sealed packets and other connected records to the Returning Officer or his deputies as the Returning Officer may direct and obtain acknowledgement.

450. *Adjournment of polling in emergencies.*—(1) If the proceedings at any place of polling are interrupted or obstructed by riot or open violence, or if it is not possible to take the poll at any such place on account of a natural calamity or other sufficient cause, the Presiding Officer may announce an adjournment of the poll to a date to be notified later and immediately report the circumstances which led to the adjournment to the Returning Officer.

(2) When a poll is adjourned under clause (1), the Returning Officer shall, as soon as may be, fix the day on which, the place at which and the hours during which, the adjourned poll shall be taken, and shall notify the said details.

(3) On the date on which such adjourned poll is taken, the electors who already voted at the poll before its adjournment shall not be entitled to vote. Only the remaining electors who are entitled to vote at the place of polling before its adjournment shall vote.

450 A. *Fresh poll in the case of destruction, etc.; of ballot boxes.*—(1) If in an election, any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or Returning Officer or is in any way tampered with or is accidentally or intentionally destroyed, lost or damaged and the Returning Officer is satisfied that in consequence thereof, the result of the poll at that polling station cannot be ascertained, he shall,—

- (a) declare the polling at the polling station to be void;
- (b) appoint a day and fix the hours for taking a fresh poll at that polling station; and
- (c) notify the day so appointed and fix the hours of the fresh poll.

(2) The provisions of these Statutes shall, so far as may be, apply to poll as they apply to the original poll.

450 B. *Opening of ballot boxes.*—The ballot boxes shall be opened in the presence of the candidates or their authorized representatives or agents and votes shall be counted in accordance with the procedure prescribed.

450 C. *Procedure of counting.*—The scrutiny and counting of votes shall be conducted by the Returning Officer from the hour appointed on the date fixed for the scrutiny and counting of votes. No person shall be present at the scrutiny and counting except the Vice-Chancellor, the Returning Officer and such person as the Vice-Chancellor or the Returning Officer may appoint to assist the Returning Officer, the candidate or not more than one representative of each candidate appointed by him in writing and approved by the Returning Officer. The ballot box shall be opened at the hour fixed for the scrutiny, and the ballots in the box shall be scrutinized by the Returning Officer.

450 D. *Envelope when rejected.*—(1) An envelope shall be rejected before opening,—

- (a) if it is not the one sent by the Returning Officer.
- (b) if it does not bear any serial number.

(2) If two envelopes bearing the same serial number are received and one of them is superscribed as “Duplicate”, the latter alone shall be accepted.

450 E. *Ballot paper cover when rejected.*—(1) A ballot paper cover shall be rejected,—

- (i) if it is not accompanied by the declaration paper sent by the Returning Officer; or
- (ii) if the envelope contains no declaration paper outside the ballot paper cover; or
- (iii) if the envelope contains anything other than the declaration paper and the ballot paper cover; or
- (iv) if the declaration is not in accordance with the Statutes;
- (v) if the ballot paper is placed outside the ballot paper cover; or
- (vi) if more than one declaration paper or ballot paper cover have been enclosed in one and the same envelope; or
- (vii) if the serial number in the declaration paper differs from the serial number of the envelope addressed to the Returning Officer.

(2) In each case of such rejection, the word, “Rejected” shall be endorsed by the Returning Officer on the ballot paper cover or the declaration paper, as the case may be.

450 F. *Ballot paper when rejected.*—(1) The ballot paper covers other than those rejected shall be mixed together and then opened in the presence of the Returning Officer. The Returning Officer shall then proceed with the scrutiny of the ballot papers.

(2) The Returning Officer shall reject a ballot paper as invalid, for any of the following reasons, namely:—

- (i) if the ballot paper cover contains any matter other than the ballot paper;
- (ii) if it does not bear the initial or facsimile signature of the Returning Officer;
- (iii) if the voter signs his name or writes any word or makes any mark by which the identity of the voter becomes recognizable;
- (iv) if the figure 1 is not marked;
- (v) if the figure 1 is set opposite the name of more than one candidates; or is so marked as to render it doubtful to which candidates it is intended to apply;
- (vi) if the figure 1 and some other figures are set opposite the name of the same candidate.

(3) On every paper so rejected, the Returning Officer shall endorse the word “Rejected” stating the grounds of rejection and keep such rejected papers in a separate packet.

450 G. *Fractions and preferences.*—In carrying out the provisions regarding the procedure for election hereinafter prescribed,—

- (a) all fractions shall be disregarded; and
- (b) all preferences recovered for candidates already elected or excluded from the poll shall be ignored.

450 H. *Division into parcels according to first preference.*—After the invalid ballot papers, if any, have been rejected, the remaining papers shall be divided into parcels according to the first preferences recorded for each candidate and the number of papers in each parcel noted and credited to the concerned candidates’ account.

450 I. *Quota.*—The number of papers in all the parcels shall then be added together and the total divided by a number exceeding by one the number of vacancies to be filled by election and the quotient increased by one shall be the number sufficient to secure the return of candidates hereinafter call the “quota”.

450 J. *When persons who obtained quota are declared elected.*—(1) If at the end of any count a number of candidates equal to the number of vacancies to be filled by election has obtained the quota, such candidates shall be treated as elected and no further steps shall be taken.

(2) A candidate, in whose parcel the number of votes on the first preference being counted is equal to or greater than the quota, shall be duly declared elected.

(3) If the number of papers in any such parcel is equal to the quota, the papers shall be set as finally disposed of.

450 K. *Transfer of surplus.*—(1) If the number of the papers in any such parcel is greater than the quota, the surplus shall be transferred to the continuing candidates so indicated in the ballot papers as next in the order of the voter's preference in the manner hereinafter prescribed.

(2) If more than one candidate has a surplus, the largest surplus shall be dealt with first and the others in the order of magnitude, provided that every surplus arising on the first count of votes shall be dealt with before those arising on the second count, and so on.

(3) Where two or more surpluses are equal, regard shall be had to the original votes of each candidate, and the candidate who is credited with the largest number of the original votes shall have his surplus first distributed and if their original votes are equal, the Returning Officer shall decide by lot which candidate shall have his surplus first distributed.

(4) (i) if the surplus of any candidate to be transferred arises from original votes only, the Returning Officers shall examine all the papers in the parcel belonging to the candidate, divide the unexhausted papers into sub-parcels according to the next preference recorded thereon and make a separate sub-parcel of the exhausted papers.

(ii) The number of the papers in each sub-parcel and the total of all the unexhausted papers shall then be ascertained.

(iii) If the total number of the unexhausted papers is equal to or less than the surplus to be transferred, all the sub-parcels shall be transferred to the continuing candidates, the value of each paper so transferred being one.

(iv) If the total number unexhausted papers are greater than the surplus, the sub-parcels shall be transferred to the continuing candidates, and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of unexhausted papers.

(5) If, in ascertaining the number of papers to be transferred from a sub-parcel, fractional parts are found to exist and if, owing to the existence of such fractional parts, the number of papers to be transferred is less than the surplus, as many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred is less than the surplus, as many of those fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus shall be reckoned as of the value of unity, and the remaining fractional parts shall be ignored. If two or more fractional parts are of equal magnitude, that fractional parts shall be deemed to be the larger which arise from the largest sub-parcel, and if the sub-parcels in question are equal in size, preference shall be given to the candidate who obtained the larger number of original votes.

(6) If the surplus of any candidate to be transferred arises from transferred as well as original votes, all the papers in the sub-parcel last transferred to the candidate shall be examined and the exhausted papers divided into sub-parcels, according to the next preference recorded thereon. The sub-parcels shall be dealt with in the same manner as is provided in the case of the sub-parcels referred to in clause (4).

(7) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate, and the value of such transferred votes credited to his account.

(8) All the papers in the parcel or sub-parcel of an elected candidate not transferred to any continuing candidate under this Statute shall be set apart as finally disposed of.

451. *Exclusion of candidate lowest in the poll.*—(1) If, after all the surpluses have been transferred as hereinafter provided, the number of candidates elected is less than the required number, the Returning Officer shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preferences marked thereon and any exhausted paper shall be set apart as finally disposed of.

(2) The papers containing original votes of excluded candidates shall first be transferred, the transfer value of such paper being one.

(3) the papers containing the transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which, and at the value at which he obtained them.

(4) Each of such transfer shall be deemed to be a separate transfer, but not a separate count.

(5) If the total of the votes of two or more candidates lowest on the poll together with any surplus votes transferred, is less than the votes credited to the next highest candidate, those candidates may in one operation be excluded from the poll and their votes transferred in accordance with the provisions in clauses (1) to (4).

(6) The above process shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until the last vacancy is filled, either by the election of a candidate with the quota or as hereinafter provided.

451 A. *Completion for transfer when quota obtained.*—If, as a result of a transfer of papers under these statutes, the number of votes obtained by a candidate is equal or greater than the quota, then the transfer proceeding shall be completed and no further papers shall be transferred to him.

451 B. *Procedure in the case of candidates obtaining votes equal to or greater than the quota.*—(1) After the completion of any transfer under these statutes, the number of votes of any candidate is equal to or greater than the quota, he shall be declared elected.

(2) If the number of the votes of any candidates is equal to the quota, the whole of the papers on which such votes are recorded shall be set aside as finally disposed of.

(3) If the number of the votes of any such candidate is greater than the quota, his surplus shall thereupon be distributed in the manner hereinbefore provided, before the exclusion of any other candidate.

451 C. *When continuing candidates are declared elected.*—When at the end of any count, the number of continuing candidates is reduced to the number of vacancies remaining unfilled the continuing candidates shall be declared elected.

451 D. *When the number of votes of one candidate exceeds the total votes of the other candidates.*—When at the end of any count only one vacancy remains unfilled and the number of votes of anyone candidate exceeds the total of all the votes of the other continuing candidates together with any surplus not transferred, the candidates shall be declared elected.

451 E. *When continuing candidates have equal number of votes.*—When at the end of any count only one vacancy remains unfilled and there are only two continuing candidates and each of them has the same value of votes and no surplus remains capable of transfer, the Returning Officer shall decide by lots which of them shall be excluded, and after the exclusion of one of the candidates by drawing lots the other candidate shall be declared elected.

451 F. *Exclusion of candidate when two or more candidates have equal number of votes.*—If at any time it becomes necessary to exclude a candidate and two or more candidates have the same number of votes and are lowest on the poll, regard shall be had to the original votes of each candidates, and the candidate for whom the lowest original votes are recorded shall be first excluded; and if their original votes are equal, the Returning Officer shall decide by lot which candidates shall be excluded.

452 G. *Recounting.*—(1) Any candidate or his agent may, at any time during the counting of votes, either before the commencement or after the completion of any transfer of votes, request the Returning Officer in writing to re-examine or recount of the papers of all or any candidate not being papers set aside at any previous transfer as finally disposed of and the Returning Officer shall forthwith re-examine or recount the same accordingly.

(2) The Returning Officer may, at his discretion count the votes either once or more than once in any case in which he is not satisfied as to the accuracy of any previous count, provided that nothing in this Statute shall make it obligatory on the Returning Officer to recounting the same votes more than once.

452 H. *Declaration of results.*—The Returning Officer shall, at the end of the counting, declare the names of the candidates who have been duly elected.

452 I. *Record of election.*—(1) The Returning Officer shall prepare a record in the prescribed form showing,—

- (a) the number of voters who voted;
- (b) the number of ballot papers rejected;
 - (i) as being received late;
 - (ii) for irregularities connected with declaration;
 - (iii) as invalid;
- (c) the number of valid ballot papers;
- (d) the number of votes obtained by each candidate at each stage of the transfer;
- (e) the stages at which each candidate was declared elected.

(2) The Returning Officer shall also prepare a result sheet showing the result at various stages of the counting.

452 J. *Election disputes.*—An election petition calling in question any election shall be made in writing. It shall be filed before the Vice-Chancellor with a fee of five hundred rupees remitted to the Kerala Veterinary and Animal Sciences University Fund so as to reach him within seven days of the declaration of the results of the election. The Vice-Chancellor shall hear the petition within seven days and his decision thereon shall be final.

PART C

Procedure for Election without Postal Ballot

453. *Application of certain provisions.*—Subject to the following provisions in the statutes, statutes 427 to 433 and 452 H and 452 I of part B shall mutatis mutandis apply to election otherwise than by postal ballot under this part.

453 A. *Polling stations.*—In the case of elections held under this part, polling stations shall be provided in the University Office.

453 B. *Notification of election.*—The notifications shall, inter alia contain information of the place where polling stations will be provided and the date on which and the time during which the poll shall be taken. The electors shall exercise voting in the respective polling stations.

453 C. *Polling agents.*—A candidate may appoint any number of polling agents with the approval of the Returning Officer, so however, that there shall not be more than two agents for a particular polling station, for a particular, candidate.

453 D. *Presiding Officers and Polling Officers.*—(1) The Returning Officer may appoint a Presiding Officer for each polling station and such Polling Officer or officers as he thinks necessary, but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election.

(2) If a Polling Officer is absent in a polling station, the presiding officer may appoint any person who is present at the polling station who is not disqualified to be a polling officer under clause (1) during the absence of the former officer and inform the Returning Officer accordingly.

(3) A Polling Officer shall perform all or any of the functions of the Presiding Officer if so directed by the Presiding Officer.

(4) If the Presiding Officer is absent owing to illness or other cause, his functions shall be performed by such Polling Officer as has been previously authorized by the Returning Officer, to perform such functions.

453 E. *Duties of the Presiding Officer and the Polling Officer.*— (1) It shall be the general duty of the Presiding Officer at a polling station to keep order there at and to see that the poll is fairly taken.

(2) The Polling Officer shall assist the Presiding Officer in the performance of his functions.

453 F. *Prohibition of canvassing in or near the polling station.*—No person shall, in the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or within a distance of one hundred meters of the polling station, namely,—

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election.

454. *Voting.*—(1) Voting shall be by secret ballot. No Vote shall be given by proxy.

(2) The ballot box shall be placed in a convenient place with arrangements for exercising the franchise by the electors by depositing the ballot papers through a slit provided in the box.

(3) Each voter has to produce a duly signed identity form which shall be prescribed by the Vice-Chancellor. Ballot papers shall not be issued to those who fail to produce this identity form.

(4) The Polling Officer shall ascertain,—

- (a) the identity of the voter before issue of the ballot paper; and
- (b) that the persons desiring to vote has not already exercised his franchise.

(5) At the time of issue of the ballot paper, a tick mark may be placed against the name of the elector in a copy of the electoral roll kept for the purpose and the elector shall also sign against his name in the roll.

(6) The name of the voter shall be entered in the serially numbered counterfoil and the ballot paper corresponding to that counterfoil shall be torn off after affixing the initials of the Returning Officer thereon and handed over to the voter.

(7) The voter who has received the ballot paper shall then proceed to a place screened from observation by others for marking the vote, record his vote in the manner prescribed and then proceed to the place where the ballot box is placed and deposit the same in the ballot box. The ballot paper must be deposited in the box even if the voter does not desire to record his vote for any candidate. No ballot paper shall be taken away from the polling booth.

(8) No voter shall be allowed to enter the place arranged for marking the vote when another voter is there and no voter shall remain there longer than is necessary for recording his vote.

(9) If a voter is incapacitated by physical infirmity, it shall be competent for him to record his vote by the hand of the Returning Officer or by his deputy.

(10) The Presiding Officer shall seal the slit of the ballot box immediately after the hour appointed on the day fixed for the poll and hand it over to the Returning Officer the same day.

455. *Closing of poll.*—At the close of the hour fixed for the poll or/and when all have reported before him for polling before the close of the hour fixed for the poll have exercised their franchise, the Presiding Officer shall close the poll and shall not thereafter issue ballot paper to any elector.

455 A. *Packing of the ballot paper covers.*—Immediately after the close of the poll, the Presiding Officer shall check the total number of ballot papers issued, and shall also prepare a ballot paper account in the form supplied by the Returning Officer. He shall then pack the items mentioned below in separate packets and shall affix the seal of the Presiding Officer.

- (i) The ballot paper account;
- (ii) The marked copy of the electoral roll;
- (iii) The unused ballot papers;
- (iv) The counterfoils of used ballot papers; and
- (v) Any other paper directed by the Returning Officer to be kept in a sealed packet.

455 B. *Adjournment of the poll in emergencies.*—(1) if the proceedings at any place of polling are interrupted or obstructed by riot or open violence, or if it is not possible to take the poll at any such place on account of a natural calamity or other sufficient cause, the Presiding Officer may announce an adjournment of the poll to a date to be notified later and immediately report the circumstances which led to the adjournment to the Returning Officer.

(2) Whenever a poll is adjourned under clause (1), the Returning Officer shall, as soon as may be, fix the day on which, the place at which and the hours during which, the adjourned poll shall be taken, and shall notify the said details.

(3) On the date on which such adjourned poll is taken, the electors who already voted at the poll before its adjournment shall not be entitled to vote. Only the remaining electors who are entitled to vote at the place of polling before its adjournment shall vote.

455 C. *Fresh poll in the case of destruction etc., of ballot boxes.*—(1) If any election, any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer or is in any way tampered with or is accidentally or intentionally destroyed, lost or damaged and the Returning Officer is satisfied that in consequence thereof, the result of the poll at that polling station cannot be ascertained, he shall,—

- (a) declare the polling at the polling station to be void;
 - (b) appoint a day and fix the hours for taking a fresh poll at that polling station; and
 - (c) notify the day so appointed and fixes the hours of the fresh poll.
- (2) The provisions of these statutes shall, so far as may be, apply to the poll as they apply to the original poll.

PART D

Procedure for Election of Members to the Management Council and Board of Management by the Members of the Legislative Assembly

456. *Procedure for the election of members to the Management Council and Board of Management by the Members of Legislative Assembly of Kerala.*—(1) In the case of election of members to the Management Council and Board of Management by the members of the Legislative Assembly of Kerala, the Registrar shall make a request in time to the Secretary of the Legislative Assembly to forward a list of the members of the Legislative Assembly.

(2) On receipt of a request under clause (1), the Secretary of the Legislative Assembly shall forward the list to the Registrar on or before the date specified.

(3) The Registrar shall take necessary steps for the conduct of the election by postal ballot as per the provisions of Part B of this Chapter.

PART E

Election Petitions

456 A. *Presentation of election petition.*—(1) Any election petition calling in question any election may be presented to the Vice-Chancellor within seven days of the declaration of result of the election, by any candidate at such election,—

- (a) on the ground that the result of the election has been materially affected,—
 - (i) by the improper reception or refusal of a vote; or
 - (ii) by any non-compliance with the provisions of the Act or any the Statutes issued thereunder; or
- (b) on the ground that the nomination of any candidate has been wrongly rejected or the nomination of the successful candidate or of any other candidate who has not withdrawn his candidature has been wrongly accepted.

(2) One authenticated copy of the petition and the annexure thereto, if any, for the use of the Vice-Chancellor and as many additional copies as there are respondents shall be produced along with the petition.

456 B. *Parties to the petition.*—A petitioner shall join as respondent to the petition,—

(a) where the petitioner, in addition to claiming a declaration that the election of all or any of the returned candidate is void, claim a further declaration that he himself or any other candidate has been duly elected; all the contesting candidates other than the petitioner; and

(b) where no further declaration as under (a) above is claimed, all the returned candidates.

456 C. *Contents of petition.*—(1) An election petition shall,—

(a) contain a concise statement of the material facts on which the petitioner relies;

(b) set forth full particulars of the malpractice that the petitioner alleges including a full statement, if possible, of the names of the persons alleged to have committed such malpractice; and

(c) be verified and signed by the petitioner.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner.

456 D. *Relief that may be claimed by the petitioner.*—Petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that he or any other candidate has been duly elected.

PART F

Miscellaneous

456 E. *Voting by electors under preventive detention.*—(1) Notwithstanding anything contained in the foregoing provisions of this chapter, an elector may, if he is subjected to preventive detention under any law for the time being in force, be entitled to vote by postal ballot.

(2) The Returning Officer shall send by Registered post, to the Officer in-charge of the jail or other place where the elector is detained, a ballot paper together with the connected records and a letter of instructions, so as to reach that officer well ahead of the time fixed for polling.

(3) On the date of polling, the said officer shall deliver the ballot paper and other necessary papers to the electors, allow him all reasonable facilities and sufficient time not exceeding two hours, for recording his vote in accordance with the instructions of the Returning Officer, and if and when the elector has so recorded his vote, send the ballot paper and other connected records in a sealed cover either by Registered post or through a special messenger to the Returning Officer so as to reach him before the time fixed for the counting of votes.

456 F. *Election Dispute.*—An election petition calling in question any election shall be made in writing and in the manner prescribed in Part C of this Chapter. It shall be forwarded to the Vice-Chancellor with a fee of ` 1000 remitted in the University Account so as to reach him within seven days of declaration of the result of the Election”.

(2) for chapters XXVI, XXVII, XXVIII, XXIX and XXX read chapters XXV, XXVI, XXVII, XXVIII and XXIX respectively.

(3) in chapter XXX, for the heading “MICELLANEOUS” the heading “GENERAL” shall be substituted.

(Sd.)

Chancellor.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Sub-section (1) of section 50 of the Kerala Veterinary and Animal Sciences University Act, 2010 (3 of 2011) provides that the Statutes shall be made, amended or repealed by the Management Council in the manner hereinafter provided. The Management Council has now decided to amend the First Statutes for the conduct of Election to the various Authorities of the University and for the smooth functioning of the University.

The notification is intended to achieve the above object.